



* 5 0 1 1 1 8 8 8 *

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

FILED
10/6/2021 4:54 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2021L009883

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS, 15110019
COUNTY DEPARTMENT, LAW DIVISION

ROBERT MUELLER,

Plaintiff,

versus

SAM'S WEST, INC., a Foreign Corporation d/b/a
SAM'S CLUB, & WALMART, INC., a Foreign
Corporation, d/b/a SAM'S CLUB,

Defendants.

Court #

COMPLAINT AT LAW

NOW COMES the Plaintiff, ROBERT MUELLER, by and through his attorneys, THE LAW OFFICES OF STEVEN J. MALMAN & ASSOCIATES, P.C., and complaining of the Defendant, SAM'S WEST, INC. a Foreign Corporation d/b/a SAM'S CLUB, & WALMART, INC., a Foreign Corporation, d/b/a SAM'S CLUB, states as follows:

COUNT I

(Negligence v. Sam's West, Inc.)

1. That on or about October 23, 2019, Plaintiff, ROBERT MUELLER, was a patron and/or invitee of an establishment commonly known as SAM'S CLUB, located at 141 North Avenue, Northlake, Illinois, and as a patron and/or an invitee at said establishment, was lawfully and properly on and upon said premises.

2. That Defendant, SAM'S WEST, INC., a Foreign Corporation d/b/a SAM'S CLUB, owned, operated, managed, maintained and controlled the above-mentioned property and premises at all times relevant.

FILED DATE: 10/6/2021 4:54 PM 2021L009883

EXHIBIT B



* 5 0 1 1 1 8 8 8 *

3. That at all time relevant, Defendant, **SAM'S WEST, INC., a Foreign Corporation d/b/a SAM'S CLUB**, was under a duty to own, operate, manage, maintain and control the property and premises, including the restrooms of the store, in an ordinary and reasonable fashion.

4. That notwithstanding the above stated duties, the Defendant, **SAM'S WEST, INC., a Foreign Corporation d/b/a SAM'S CLUB**, was guilty of one or more of the following careless and negligent acts or omissions:

- a. Permitted and allowed said property and premises, and in particular the restroom floors of the above property and premises, to be and remain in a hazardous and unsafe condition thereby resulting in plaintiff's injuries;
- b. Failed to properly maintain its restroom floors, such that it allowed a condition where water leaking from a water fountain remained on the floor, the water being a hazard to patrons and/or invitees of said property and premises when the Defendant knew or should have known of the condition;
- c. Failed to maintain necessary and proper safety standards in the operation of said property and premises;
- d. Failed to inaugurate and maintain necessary and proper maintenance standards in the operation of said property and premises;
- e. Failed to inspect its restrooms for any dangerous and hazardous conditions at said property and premises;
- f. Failed to rope off the area and/or warn its patrons and/or invitees, including the Plaintiff, of the dangerous and hazardous condition of the restroom floors at said property and premises; and
- g. Failed to provide a safe means of ingress and egress to and from its restrooms for its patrons and/or invitees such as Plaintiff lawfully and properly on and upon said property and premises.

5. That the Defendant and/or its representatives had actual and/or constructive notice of all of the preceding conditions.



* 5 0 1 1 1 8 8 8 *

6. That as a direct and proximate result of one or more of the above-mentioned careless and negligent acts or omissions of the Defendant, **SAM'S WEST, INC., a Foreign Corporation d/b/a SAM'S CLUB**, the Plaintiff, **ROBERT MUELLER**, was caused to and did fall due to water on the floor of the restroom, near a leaking water fountain in the store, resulting in the Plaintiff sustaining serious and permanent injuries. Plaintiff has suffered and will be suffering the future great pain and discomfort, physical impairment and has been and will be kept from attending to his usual affairs and duties and has lost and will continue to lose great gains which he would have made and acquired and Plaintiff has become liable for large sums of money for medical care and will in the future become so liable.

WHEREFORE, the Plaintiff, **ROBERT MUELLER**, by and through his attorneys, **THE LAW OFFICES OF STEVEN J. MALMAN & ASSOCIATES, P.C** seeks compensation in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) for the harms caused by the Defendant, **SAM'S WEST, INC., a Foreign Corporation d/b/a SAM'S CLUB**, for Defendant's egregious conduct, to deter this Defendant from negligent acts, and to protect the public safety, and for attorneys' fees as allowed by statute.

COUNT II
(Negligence v. WALMART, INC.)

1. That on or about October 23, 2019, Plaintiff, **ROBERT MUELLER**, was a patron and/or invitee of an establishment commonly known as **SAM'S CLUB**, located at 141 North Avenue, Northlake, Illinois, and as a patron and/or an invitee at said establishment, was lawfully and properly on and upon said premises.

2. That Defendant, **WALMART, INC., a Foreign Corporation d/b/a SAM'S CLUB**, owned, operated, managed, maintained and controlled the above-mentioned property and premises at all times relevant.



* 5 0 1 1 1 8 8 8 *

3. That at all time relevant, Defendant, **WALMART, INC., a Foreign Corporation d/b/a SAM'S CLUB**, was under a duty to own, operate, manage, maintain and control the property and premises, including the restrooms of the store, in an ordinary and reasonable fashion.

4. That notwithstanding the above stated duties, the Defendant, **WALMART, INC., a Foreign Corporation d/b/a SAM'S CLUB**, was guilty of one or more of the following careless and negligent acts or omissions:

- a. Permitted and allowed said property and premises, and in particular the restroom floors of the above property and premises, to be and remain in a hazardous and unsafe condition thereby resulting in plaintiff's injuries;
- b. Failed to properly maintain its restroom floors, such that it allowed a condition where water leaking from a water fountain remained on the floor, the water being a hazard to patrons and/or invitees of said property and premises when the Defendant knew or should have known of the condition;
- c. Failed to maintain necessary and proper safety standards in the operation of said property and premises;
- d. Failed to inaugurate and maintain necessary and proper maintenance standards in the operation of said property and premises;
- e. Failed to inspect its restrooms for any dangerous and hazardous conditions at said property and premises;
- f. Failed to rope off the area and/or warn its patrons and/or invitees, including the Plaintiff, of the dangerous and hazardous condition of the restroom floors at said property and premises; and
- g. Failed to provide a safe means of ingress and egress to and from its restrooms for its patrons and/or invitees such as Plaintiff lawfully and properly on and upon said property and premises.

5. That the Defendant and/or its representatives had actual and/or constructive notice of all of the preceding conditions.



* 5 0 1 1 1 8 8 8 *

6. That as a direct and proximate result of one or more of the above-mentioned careless and negligent acts or omissions of the Defendant, **WALMART, INC., a Foreign Corporation d/b/a SAM'S CLUB**, the Plaintiff, **ROBERT MUELLER**, was caused to and did fall due to water on the floor of the restroom, near a leaking water fountain in the store, resulting in the Plaintiff sustaining serious and permanent injuries. Plaintiff has suffered and will be suffering the future great pain and discomfort, physical impairment and has been and will be kept from attending to his usual affairs and duties and has lost and will continue to lose great gains which he would have made and acquired and Plaintiff has become liable for large sums of money for medical care and will in the future become so liable.

WHEREFORE, the Plaintiff, **ROBERT MUELLER**, by and through his attorneys, **THE LAW OFFICES OF STEVEN J. MALMAN & ASSOCIATES, P.C** seeks compensation in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) for the harms caused by the Defendant, **WALMART, INC., a Foreign Corporation d/b/a SAM'S CLUB**, for Defendant's egregious conduct, to deter this Defendant from negligent acts, and to protect the public safety, and for attorneys' fees as allowed by statute.

LAW OFFICES OF STEVEN J. MALMAN
& ASSOCIATES, P.C.

James McCarron
Attorney for Plaintiff

James McCarron
LAW OFFICES OF STEVEN J. MALMAN
& ASSOCIATES, P.C.
205 W. Randolph Street, Suite 1700
Chicago, Illinois 60606
(312) 629-0099
jmccarron@malmanlaw.com
Attorney No. 31555